

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

U.S. BANK TRUST NATIONAL
ASSOCIATION, NOT IN ITS INDIVIDUAL
CAPACITY BUT SOLELY AS OWNER
TRUSTEE FOR LSF9 MASTER
PARTICIPATION TRUST,

Plaintiff,

v.

MATTHEW M. MURRAY,

Defendant,

and

WESTERN NEW ENGLAND COLLEGE,

Party-in-Interest.

CIVIL ACTION NO. 3:24-cv-30046

**AFFIDAVIT IN SUPPORT OF PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT
JUDGMENT PURSUANT TO FED. R. CIV. P. 55(B)**

I, Hale Yazicioglu Lake, Esq., attorney for Plaintiff, U.S. Bank Trust National Association, not in its individual capacity but solely as Owner Trustee for LSF9 Master Participation Trust, being duly sworn, depose and state as follows:

1. I am an attorney at Hinshaw & Culbertson LLP, attorneys for the Plaintiff, U.S. Bank Trust National Association, not in its individual capacity but solely as Owner Trustee for LSF9 Master Participation Trust (the "Plaintiff"), in this action. I have personal knowledge of the facts set forth herein.

2. The Plaintiff commenced this action on March 28, 2024, by filing a Verified Complaint seeking judgment declaring and confirming that the Plaintiff, as authorized agent of the noteholder, is entitled to enforce the terms of a certain promissory note secured by real property located at 28 Wellesley Street, Springfield, Massachusetts (the "Property"). *See* ECF No. 1.

3. As set forth in the return of service previously filed with the Court, Party-In-Interest, Western New England College (“WNEC”), was duly served with a copy of the summons and complaint in this action on April 22, 2024, via the Hampden County Sheriff’s Office. *See* ECF No. 5.

4. As set forth in the return of service previously filed with the Court, Defendant, Matthew M. Murray (“Murray”), was duly served with a copy of the summons and complaint in this action on May 1, 2024, via the Hampden County Sheriff’s Office. *See* ECF No. 6.

5. On June 13, 2024, the Clerk of this Court entered default against Murray and WNEC for their failure to answer the Verified Complaint, pursuant to Fed. R. Civ. P. 55(a). *See* ECF No. 9.

6. Murray is not an infant or otherwise incompetent.

7. According to the Department of Defense’s Manpower Data Center, which issues status reports pursuant to the Servicemember’s Civil Relief Act (“SCRA”), and a search performed on July 30, 2024, Murray is not in the active military service of the United States, as defined by SCRA.

SIGNED UNDER THE PENALTIES OF PERJURY THIS 30th DAY OF JULY, 2024.

/s/ Hale Yazicioglu Lake
Hale Yazicioglu Lake (BBO #679480)